

SENATE JOINT RESOLUTION 544

By McNally

A RESOLUTION to urge the President and Joint Chiefs of Staff to declare the mass shooting at Fort Hood an "act of terrorism" and convicted shooter Nidal Hasan, who has been sentenced to death, a terrorist.

WHEREAS, on November 5, 2009, Nidal Hasan, a United States Army Major and licensed psychiatrist at the Walter Reed Army Medical Center, entered the Soldier Readiness Center at Fort Hood in Killeen, Texas with two pistols, jumped on a desk, shouted "Allah Akbar!" (Arabic for "God is great!"), and opened fire, killing twelve United States soldiers and one United States Department of Defense employee, and injuring thirty-two others; and

WHEREAS, on August 28, 2013, Nidal Hasan was convicted by a military jury for thirteen counts of premeditated murder and thirty-two counts of attempted premeditated murder for the thirty United States soldiers and two civilian police officers injured in the mass shooting; and

WHEREAS, the jury unanimously recommended that Hasan be sentenced to death; and

WHEREAS, the President of the United States must sign authorization for the execution of any military service member; and

WHEREAS, after admitting he was the shooter, Nidal Hasan conceded to the jury during his military trial that the shooting was an effort to stop the soldiers from going to Afghanistan and killing his fellow Muslims; and

WHEREAS, according to the Final Report of the William H. Webster Commission on The Federal Bureau of Investigation, Counterterrorism Intelligence, and the Events at Fort Hood, Texas, on November 5, 2009, in the month preceding the shooting, the Army notified Nidal Hasan that he would be deployed to Afghanistan in November 2009, and in the year preceding

the shooting, Nidal Hasan had eighteen communications with a regional commander within al-Qaeda named Anwar al-Aulaqi; and

WHEREAS, Anwar al-Aulaqi was a radical Islamic cleric killed in a United States military operations attack on September 30, 2011 after President Barack Obama placed him on a list of people whom the United States Central Intelligence Agency was authorized to kill because of terrorist activities; and

WHEREAS, after the shooting, Anwar al-Aulaqi publicly hailed Nidal Hasan as a role model for his attack on fellow soldiers, stating, "Who would object to that?"; and

WHEREAS, twelve United States soldiers, whose mission was to protect United States citizens from violent terrorist attacks, lost their lives at the hands of Nidal Hasan, the very type of radical person that they were courageously seeking to protect this country against; and

WHEREAS, President Obama and the Joint Chiefs of Staff have failed to declare the Fort Hood shooting as an "act of terrorism" despite Nidal Hasan's public support of jihad and his connection to an international terrorist organization, despite both the National Counterterrorism Center and the State Department counting the Fort Hood mass shooting among terror attacks in 2009, and despite President Obama stating in his May 2013 counter-terrorism speech that Nidal Hasan was "inspired by larger notions of violent jihad"; and

WHEREAS, the Administration and the Army have classified the attack at Fort Hood as a case of "nonpolitical workplace violence" and as a result, the military personnel and soldiers killed or injured in the Fort Hood shooting are not entitled to the "combat-related disability" benefits to which their counterparts who are wounded or killed while in combat zones overseas are entitled; and

WHEREAS, 10 U.S.C. § 1413a defines a "combat-related disability" as a disability that is "attributable to an injury for which the member was awarded the Purple Heart" or was incurred as a result of certain combat-related activities; and

WHEREAS, while the shooting victims were not engaged in combat during the incident and thus are not eligible under the second criterion, they have also yet to receive the Purple Heart pursuant to the first criterion; the Purple Heart may be awarded by the Secretary of the

military department concerned, in the name of the President of the United States, pursuant to Executive Order 11016 (4/25/62), Executive Order 12464 (2/23/84), and Pub. L. 98-525; and

WHEREAS, a member of the Armed Forces is entitled to a Purple Heart if wounded or killed as a result of an "international terrorist attack against the United States;" and

WHEREAS, an "international terrorist attack" must be "recognized as such an attack by the Secretary of the Army, or jointly by the Secretaries of the separate armed services concerned if persons from more than one service are wounded in the attack", but relevant federal law governing the Purple Heart does not define this type of attack; and

WHEREAS, the failure to classify the Fort Hood shooting as an "act of terrorism" has caused the military personnel who were killed or injured, and their next of kin, to be ineligible for the Purple Heart, and thus, ineligible for combat-related benefits; and

WHEREAS, the Department of Defense's position and the Army's position is that Nidal Hasan was not a member of an international terrorist organization, and that legislatively altering the Purple Heart criteria to include domestic terrorist attacks or declaring Nidal Hasan a terrorist would "fundamentally compromise the fairness and due process of the pending trial;" and

WHEREAS, we are not endorsing a legislative alteration of the Purple Heart criteria nor any alternation or application of federal law governing the crime of terrorism; rather, this body requests that the Joint Chiefs of Staff exercise their discretionary power to recognize the shooting as an international terrorist attack solely for the purpose of awarding the Purple Heart; and

WHEREAS, we urge the Joint Chiefs of Staff and the President to recognize this mass shooting as an "act of terrorism" so that the victims and families of those killed or wounded can receive the medical benefits and compensation to which they are entitled; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we hereby condemn the outrageous act of terrorism committed at Fort Hood and urge the President and the Joint Chiefs of Staff to reclassify the Fort Hood shooting as an "act of terrorism", declare Hasan a terrorist, and authorize the execution of Hasan.

BE IT FURTHER RESOLVED, that this General Assembly endorses awarding the Purple Heart to the Fort Hood shooting victims to ensure that the surviving victims and surviving family members of those killed receive the medical compensation and benefits they deserve.

BE IT FURTHER RESOLVED, that we extend our condolences to those families of military personnel and soldiers who have suffered the loss of their loved ones at Fort Hood.

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the Honorable Barack Obama, President of the United States of America, the Joint Chiefs of Staff, and the members of the Tennessee Congressional Delegation.